

REMARKS

By this Amendment, applicant has amended claims 1 and 12; and added new dependant claim 19. Claims 1-19 are currently pending in the present application. Reconsideration of all grounds of rejection in the Office Action, and allowance of all of the pending claims are respectfully requested in light of the following remarks.

Claims 1-18 stand rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,721,953 to Bates et al., hereafter referred to as "Bates".

Applicant respectfully traverses the rejection of claim 1 over Bates as instant claim 1 recites, *inter alia*, "a selector for selecting the programming input to process for display." Nowhere does Bates describe a selector for selecting programming input as recited in claim 1. The Examiner suggests that Fig. 1, element 14; and Fig. 2 of Bates discloses a selector, but applicant respectfully disagrees. Fig. 2 of Bates, displays the internal circuitry of element 14, which is a set top box not a selector. Fig. 2 illustrates set top box 14 as comprising a satellite decoder 30 and a tuner 34 both being directly coupled to A/V amplifier 38. Fig. 2 does not illustrate a selector, nor does Bates teach or suggest a selector anywhere in the specification, therefore applicant respectfully submits that claim 1 is not anticipated by Bates.

Claims 2-11 in this application dependent either directly or indirectly from independent claim 1 and are, therefore, believed allowable and patentable under 35 U.S.C. § 102 for the same reason discussed above.

Applicant additionally traverses the rejection of claim 9 over Bates as instant claim 9, as amended recites, *inter alia*, a system "configurable for individual use by more

than one viewer, and wherein ... a viewer identity [is used] as a factor in determining which program selection control list to use.” Nowhere does Bates teach or suggest using the identify of a viewer when determining which of a plurality of program selection control lists to use, as recited in amended claim 9. This is because Bates does not teach or suggest a system that is capable of supporting more than one user. A television can be used by a plurality of different family members, each with their own viewing tastes and habits, and the system described in Bates does not account for that fact. In Bates, favorite programs table 50 can comprise a complete list of channels or a fixed number of channels (Bates, Column 8, lines 26-29), and a plurality of program tables 220, 270, 280 can be generated from the information stored in table 50 (See Bates, Figs. 11,13,14), but there is only one favorite programs table 50. Thus, the viewing statistics stored in table 50 are a combination of everyone who uses the system. Therefore, the system is not configurable for individual use by more than one viewer. Since Bates does not teach or suggest using a viewer identity as a factor in determining which program selection control list to use, applicant respectfully submits that claim 9 is not anticipated by Bates.

Applicant additionally traverses the rejection of claim 10 over Bates as instant claim 10, recites, *inter alia*, “the selector use[ing] the program selection control list to determine which programming input to select for display.” As mentioned above, Bates does not teach or suggest a selector, thus Bates does not describe a selector using a program selection control list to determine which programming input to select for display, as recited in claim 10. In addition, on page 5 of the Office Action, the Examiner points to sections of Bates describing the updating of a favorite programs list 50, as describing a selector using a program selection control list to determine which

programming input to select for display, but applicant respectfully disagrees. Applicant submits that the updating of a favorite programs list 50 is not the same as a selector using a program selection control list to determine which programming input to select for display. One involves the populating of a table, and the other involves using information in a list to select a programming input. These are clearly two separate activities. For these additional reasons, applicant respectfully submits that claim 10 is not anticipated by Bates.

Applicant additionally traverses the rejection of claim 12 over Bates as instant claim 12, as amended recites, *inter alia*, "creating a program selection control list for one of a plurality of viewers based on the displayed channel ranking." As argued above with respect to claim 9, Bates cannot be used by a plurality of users. Only one favorite programs list 50 is maintained and that list is updated no matter who is watching the television. Therefore, applicant respectfully submits that claim 10 is not anticipated by Bates.

Claims 13-18 in this application dependent either directly or indirectly from independent claim 12 and are, therefore, believed allowable and patentable under 35 U.S.C. § 102 for the same reason discussed above.


New claim 19 finds support in page 25, lines 10-21 of the specification. A viewer can suspend the update process so that a visiting guest who uses the television does not have an undesirable affect on the viewer's list.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested. No fee is believed due with the filing of this amendment,

however the commissioner is authorized to charge any fees required in connection with the present application to Deposit Account No. 14-1270.

Respectfully submitted,

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By Natalie Q. Mayo